

REMARKS

Applicant thanks the Examiner for the detailed remarks and analysis and respectfully requests reconsideration of the final rejection for the following reasons.

Applicant disagrees that the proposed combination discloses these features and respectfully request reconsideration of the of claims 1-3, 5, 6, 8, and 9-13 over the proposed combination of Eto (U.S. 5,411,385) with Libis (U.S. 4,173,440).

Claim 1 requires that each of the inlet orifice, outlet orifice and the choke orifice comprise a flow area smaller than any of the plurality of flow passages.

Claim 9 requires that the flow passage comprises a substantially larger flow area than any of the choke orifice, the inlet orifice and the outlet orifice.

Claim 12 requires a primary portion including a primary passage for feeding lubricant to an inlet portion and an outlet portion; and wherein the choke orifice is disposed within the inlet portion and a flow area of each of the choke orifice, the inlet orifice and the outlet orifice is substantially smaller than any portion of the primary passage.

Each of the independent claims include features that clearly differentiate a passage from an orifice. However, the Examiner argues that passages in Libis disclose the claimed orifices. Applicant disagrees. The passages pointed to by the Examiner clearly do not disclose any orifice. The features indicated by the Examiner are branch passages that supply lubricant to the bearings. Nothing in Libis supports any reading that these passages include orifices.

Applicant appreciates that the Examiner is permitted to broadly interpret prior art references. However, any interpretation cannot be contrary to the understanding of one skilled in the art. In this instance, the passages referred to by the Examiner as support for the rejection would not be understood as the claimed orifices recited in claims 1, 9 and 12.

Further, the claims require that each of the inlet and outlet orifices include a flow area smaller than any of the plurality of passages. As the relied on features are in fact passages and not orifices, they cannot meet the limitation requiring that the inlet and outlet orifice include a flow area smaller than any of the plurality of flow passages. Further, the size of the passages referred to by the Examiner is not clear as only a cross-section is shown, and no explanation or description is present that refers to the Libis passages. These same passages could be quite large in a plane not illustrated by Figure 2 of Libis.

Additionally, several of the dependent claims include features that are not disclosed by the proposed combination. For example, claims 2 and 10 require that the inlet orifice and the outlet orifice are of a common size. The Libis reference does not disclose this feature. Nothing in Libis discloses that the inlet and outlet orifice are the same size. In fact, the shape of the Libis outlet passages as indicated by the Examiner in the Figure provided on page 5 of the office action, would seem to indicate that the passages read as the inlet orifice are much different than those read as the outlet orifice.

Claim 3 requires that the flow passages require a primary portion feeding an inlet portion and an outlet portion. If the reading of the passages as indicated by the Examiner is accepted, then there are no inlet and outlet portions and claim 3 is not disclosed or suggested by the proposed combination.

Claims 7 and 14 were rejected as being obvious over the above proposed combination and further in view of Williams (U.S. 3,260,444). Further, claims 15, 16 and 17 were separately rejected as being obvious in view of Eto and Libis. Each of these rejections rely on the base combination of Eto and Libis that is improper for the reasons discussed in detail above.

Accordingly, the claims are believed in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 03-0835, in the name of Carrier Corporation, for any additional fees or credit the account for any overpayment.

Respectfully Submitted,

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